

## **JUSTIFICATION AND APPROVAL FOR AN EXCEPTION TO FAIR OPPORTUNITY**

- 1. Contracting Activity:** Department of Veterans Affairs (VA)  
Office of Acquisition and Logistics  
Technology Acquisition Center  
260 Industrial Way West  
Eatontown, New Jersey 07724

- 2. Description of Action:**

This proposed action is for a firm-fixed-price (FFP) Task Order for software maintenance for Web Inspect software in use at the Information Technology Center (ITC) in Philadelphia for the Technical Support Division, Information Technology Support Center. The software is used to identify security vulnerabilities that are undetectable by traditional scanners. This action will be competed under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC). The period of performance is one (1) base twelve (12) month period.

- 3. Description of Supplies or Services:**

The software is used to identify security vulnerabilities that are undetectable by traditional scanners and provide broad assessment coverage, and accurate web application scanning results to ensure the security of Veteran's information. The proposed Task Order is to renew annual maintenance for software support and upgrades for the Web Inspect 7.x.-Web Inspect Perpetual License (10 each) for one (1) server currently in use at the ITC in Philadelphia, Pennsylvania. Web Inspect software is used for application security scanning in the Internet/Intranet environment.

- 4. Statutory Authority:**

The statutory authority permitting this exception to fair opportunity is Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B), entitled "only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."

- 5. Rationale Supporting Use of Authority Cited Above:**

Based on market research, as described in paragraph 8 of this document, it was determined that limited competition is viable among authorized resellers for this brand name item. The use of WebInspect is essential to the VA security requirements. WebInspect software enables Philadelphia ITC's security professionals to identify critical, high-risk security vulnerabilities in web applications and web

services. The Philadelphia ITC has been using the WebInspect under a perpetual license since 2003. Use of an alternate web application security assessment software package would require a reconfiguring of the system and system down time. The ITC does not have the resources to accomplish this type of system modification.

Furthermore, additional training costs, initial software fees, and installing another software brand are not cost effective. WebInspect software support and upgrades are critical for Veteran's data security in that it gives the ability to identify and remediate critical and high-risk security vulnerabilities within current Web applications and services. The purpose of this proposed contract is to renew annual maintenance and upgrades for this existing software. Failure to obtain maintenance renewals and upgrades will prevent the Philadelphia ITC from maintaining its existing security protocols.

#### **6. Efforts to Obtain Competition:**

Market research was conducted, details of which are in the market research section of this document. Competition is anticipated for the required brand name item and service. Furthermore, in accordance with FAR 5.3 the award will be synopsisized on the Federal Business Opportunities (FedBizOps) Page. In addition, this Justification and Approval (J&A) will be made publicly available on the FedBizOps Page.

#### **7. Actions to Increase Competition:**

Although the Government is limiting competition as a result of specifying a HP brand name, there are authorized resellers of these products on the NASA SEWP IV contract. Competition for this requirement among these vendors is anticipated. The SEWP IV GWAC is composed of four (4) groups of contracts. Additionally, this Justification and Approval and the Request for Quote will be submitted to all four (4) NASA SEWP IV Contract Groups in order to fully notify all interested parties and obtain price competition. Any proposals received will be evaluated. Finally, the Government's technical experts will continue to perform market research to determine if there are any potential sources that will enable future requirements to be pursued using full and open competition.

#### **8. Market Research:**

Market Research was conducted in August 2011 utilizing the NASA SEWP IV Product Verification tool and it was determined that four (4) authorized resellers of the HP WebInspect software are current contract holders. In additionXXX. Therefore, limited competition is expected for this proposed action.

#### **9. Any other facts supporting the use of other than full and open competition:**

None